

## REMARKS/ARGUMENTS

The Office Action of June 19, 2003, has been carefully considered.

It is noted that a new Declaration is required.

The drawings are objected to for containing non-English text.

A new title is required.

The specification is objected to for failing to provide proper antecedent basis for certain of the claimed subject matter.

Claims 1 and 6 are objected to for containing various informalities.

Claims 1-16 are rejected under 35 U.S.C. §112, second paragraph.

Claims 1-7 and 10-16 are rejected under 35 U.S.C. §102(b) over European reference 0276331 to Meur.

Claims 1-7 and 10-16 are rejected under 35 U.S.C. §102(b) over European reference 0537643 to Stork et al.

Claims 8, 9 and 17 are rejected under 35 U.S.C. §103(a) over Meur.

Claims 8, 9 and 17 are rejected under 35 U.S.C. §103(a) over Stork et al.

→ In connection with the Declaration, a new Declaration is being prepared and will be submitted once signed by the inventors.

Regarding the Preliminary Amendment to lines 1-9 of page 9 of the specification, Applicant has clearly indicated in the present amendment that these lines are to be deleted.

In view of the Examiner's objection to the drawings, Applicant has enclosed herewith a substitute sheet of drawings in which the axes in Figure 2 are now labeled in English.

In view of this translation, it is respectfully submitted that the objection to the drawings is overcome and should be withdrawn.

Relative to the title, Applicant has canceled the original title and submitted a new title which is believed to be more clearly indicative of the invention.

In view of the Examiner's objection to the specification, Applicant has amended the specification to provide antecedent basis for the features recited in claims 8, 9, 11 and 17. It is respectfully submitted that no new matter is added by these changes since the subject matter was

contained in the claims as originally filed with the application. In view of these considerations, it is respectfully submitted that the objection to the specification is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, Applicant has canceled claims 6 and 7 and amended claims 1, 13, 14, and 17.

In amending the claims, Applicant has corrected the informalities pointed out by the Examiner in claims 1 and 6. Thus, it is respectfully submitted that the objection to claims 1 and 6 as containing informalities is overcome and should be withdrawn.

It is respectfully submitted that claims 13-16, as amended, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 13 and 14 to address the instances of indefiniteness pointed out by the Examiner. In view of these changes, it is respectfully submitted that the rejection of claims 13-16 under 35 U.S.C. §112, second paragraph, is overcome and should be withdrawn.

In claim 17, Applicant has amended this claim so that it depends from claim 8 and further limits the same by defining the width to be 0.835mm.

It should be mentioned that the claims now on file specifically define an intraocular lens having an optical lens part with a central lens area, an annular lens area, and a meridian section divided with a spherical curvature profile. The central lens area and the annular lens area form a common focus. The annular lens area has concentric annular zones which each have a respective optical path of a respective path length. The difference in path length of the optical path between adjacent concentric zones is an integral multiple of  $n=2$  or more of a desired wavelength. The different path lengths are arranged in the lens part in which the aspherical curvature profile has an effect. It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to EP 0276331 to Meur, it can be seen that this reference discloses an intraocular implant for correcting aphakia. This implant has a central lens 1 surrounded by at least two fresnel steps 4, 5, 6, which have the same refractive power as the lens 1.

European reference 0537643 to Stork et al. discloses an ophthalmic lense whose optically active lens part has diffractive, zonal, fine-structure elements with two orders of diffraction, whose intensity is substantially stronger than the intensities of the other orders of diffraction so that a bifocal lens is obtained by diffractive action.

Both Meur and Stork et al. disclose an intraocular lens with an optical part that comprises a central lens area and an annular lens area surrounding the central lens area. The central lens area and the annular lens area form a common focus. Meur discloses annular fresnel zones and Stork et al. disclose annular diffractive zones in the annular lens area. Neither of these references disclose a difference of an integral or multiple of  $n=2$  or more of the design wavelength between adjacent zones, as in the presently claimed invention. Furthermore, the references do not disclose that the optical lens part (the central lens area and the surrounding annular lens area), has a meridian section of an aspherical curvature profile, wherein the concentric zones with the different path lengths are arranged in the lens part with the aspherical curvature profile, as in the presently claimed invention. These features are not disclosed by either Meur or Stork et al.

Applicant has enclosed herewith as Attachment A, a meridian section of the inventive lens. This meridian section corresponds to Figure 1 as originally filed. The aspherical part of the meridian section curvature of the annular zone is described by the formulas on page 6 of the application. Once again, the cited references do not disclose such a construction.

Due to the combination of the arrangement of the annular zones in the aspherical and meridian section and the difference of the optical path lengths between adjacent zones, there is a deletion of spherical aberration and a deletion of stray light in the lens. Thus, the inventive intraocular lens provides, within its optical part, an image of improved light intensity.

In view of these considerations, it is respectfully submitted that the rejections of claims 1-7 and 10-16 under 35 U.S.C. §102(b), and the rejections of claims 8, 9 and 17 under 35 U.S.C. §103(a), over either Meur or Stork et al. are overcome and should be withdrawn.

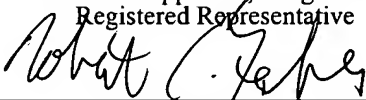
Reconsideration and allowance of the present application are respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2003:

Robert C. Faber

Name of applicant, assignee or  
Registered Representative



Signature

September 22, 2003

Date of Signature

Respectfully submitted,



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